

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Regina M. Hunter,)	C/A No.: 3:15-547-MGL-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
The Honorable Nikki R. Haley,)	
Governor, State of South Carolina)	
Government; Mr. Gary A. Mixon,)	
Administrator, Sumter County South)	
Carolina Government; Mrs. Naomi D.)	
Sanders, Chairman, D-1, Sumter County)	
South Carolina Government; Mr. Larry)	
Blanding, Former Chair, Sumter County)	
South Carolina Government; Mr. Artie)	
Baker, Council Member, D-2, Sumter)	
County South Carolina Government; Mr.)	REPORT AND RECOMMENDATION
James R. Byrd, Jr., Council Member,)	
D-3, Sumter County South Carolina)	
Government; Mr. Charles T. Eden,)	
Council Member, D-4, Sumter County)	
South Carolina Government; Mrs.)	
Vivian Fleming-McGhaney, Council)	
Mbr. D-5, Sumter County South)	
Carolina Government; Mr. James T.)	
McCain, Jr., Council Member, D-6,)	
Sumter County South Carolina)	
Government; Mr. Eugene Baten, Council)	
Member, D-7, Sumter County South)	
Carolina Government; The Honorable)	
Jean Hoefer Toal, Chief Justice, South)	
Carolina Judicial Dept. (SCJD),)	
Supreme Court; The Honorable Costa)	
M. Pleicones, Justice, South Carolina)	
Judicial Dept. (SCJD), Supreme Court;)	
The Honorable Donald W Beatty,)	
Justice, South Carolina Judicial Dept.)	
(SCJD), Supreme Court; The Honorable)	
John W Kittredge, Justice, South)	
Carolina Judicial Dept. (SCJD),)	
)	

Supreme Court; The Honorable Kaye G.)
Hearn, Justice, South Carolina Judicial)
Dept. (SCJD), Supreme Court; Mrs.)
Rosalyn Frierson, Director, Court)
Admin, South Carolina Judicial Dept.)
(SCJD), Supreme Court; The Honorable)
John C. Few, Chief Judge, South)
Carolina Court of Appeals (SCJD); The)
Honorable Thomas E. Huff, Judge,)
South Carolina Court of Appeals)
(SCJD); The Honorable Paul E. Short,)
Jr., Judge, South Carolina Court of)
Appeals (SCJD); The Honorable H.)
Bruce Williams, Judge, South Carolina)
Court of Appeals (SCJD); The)
Honorable Paula H. Thomas, Judge,)
South Carolina Court of Appeals)
(SCJD); The Honorable Aphrodite K.)
Konduros, Judge, South Carolina Court)
of Appeals (SCJD); The Honorable John)
D. Geathers, Judge, South Carolina)
Court of Appeals (SCJD); The)
Honorable James E. Lockemy, Judge,)
South Carolina Court of Appeals)
(SCJD); The Honorable Stephanie P)
McDonald, Judge, South Carolina Court)
of Appeals (SCJD); The Honorable)
Jasper Cureton, Associate Judge, South)
Carolina Court of Appeals (SCJD); The)
Hon. R. Ferrell Cothran, 3rd Circuit)
Judge, Sumter County Court of Common)
Pleas (SCJD); The Hon. George C.)
Campbell, 3rd Circuit Judge, Sumter)
County Court of Common Pleas (SCJD);)
The Hon. W Jeffrey Young, Jr., 3rd)
Circuit Judge, Sumter County Court of)
Common Pleas (SCJD); The Hon. James)
C. Campbell, Clerk of Court, Sumter)
County Court of Common Pleas (SCJD);)
The Honorable Donna Griffin, Deputy)
Clerk, Sumter County Court of Common)
Pleas (SCJD); Mrs. Sherry Yow, Clerk-)
)

Common Pleas, Sumter County Court of)
Common Pleas (SCJD); Mrs. Barbara)
Sharper, Clerk-Common Pleas, Sumter)
County Court of Common Pleas (SCJD);)
Mr. Joseph Bradley, Sr., Court Bailiff,)
Sumter County Court of Common Pleas)
(SCJD); John Doe 01, Court Bailiff Jan.)
8, 2013, Sumter County Court of)
Common Pleas (SCJD); John Doe 02,)
Court Bailiff, Feb. 5, 2013, Sumter)
County Court of Common Pleas (SCJD);)
John Doe 03, Court Bailiff, Feb. 5, 2013,)
Sumter County Court of Common Pleas)
(SCJD); John Doe 04, Court Bailiff,)
June 17, 2013, Sumter County Court of)
Common Pleas (SCJD); The Honorable)
Kristi G. Curtis, Chief Magistrate,)
Sumter County Summary Court (SCJD);)
The Honorable Dale W. Atkinson,)
Probate Judge, Sumter County Probate)
Court (SCJD); The Honorable Betty)
Brown, Associate Judge, Sumter County)
Probate Court (SCJD); The Honorable)
Theresa Duggan, Associate Judge,)
Sumter County Probate Court (SCJD);)
Mrs. Yvonne Choice, Clerk, Sumter)
County Probate Court (SCJD); Mrs. Joy)
King, Clerk, Sumter County Probate)
Court (SCJD); Mr. Anthony Dennis,)
Sheriff, Sumter County Sheriff's Office)
(SCSO); Mr. Terrance Colclough,)
Captain, Sumter County Sheriff's Office)
(SCSO); Mr. Kevin Lindsey, Lieutenant)
or Sergeant, Sumter County Sheriff's)
Office (SCSO); Mr. Symeon Graham,)
Senior Deputy, Sumter County Sheriff's)
Office (SCSO); Mr. Steven Rulong,)
Deputy Sheriff, Sumter County Sheriff's)
Office (SCSO); John Doe 01,)
Deputy Sheriff, Sumter County Sheriff's)
Office (SCSO); John Doe 02, Deputy)
Sheriff, Sumter County Sheriff's Office)
)

(SCSO); John Doe 03, Deputy Sheriff,)
Sumter County Sheriff's Office (SCSO);)
John Doe 04, Deputy Sheriff, Sumter)
County Sheriff's Office (SCSO); John)
Doe 05, Deputy Sheriff, Sumter County)
Sheriff's Office (SCSO); John Doe 06,)
Deputy Sheriff, Sumter County Sheriff's)
Office (SCSO); John Doe 07, Deputy)
Sheriff, Sumter County Sheriff's Office)
(SCSO); John Doe 08, Deputy Sheriff,)
Sumter County Sheriff's Office (SCSO);)
John Doe 09, Deputy Sheriff, Sumter)
County Sheriff's Office (SCSO); Mr.)
Raymond Buxton, Commissioner, South)
Carolina Human Affairs Commission;)
Mrs. Cheryl Ludlam, 1st Cong. District,)
South Carolina Human Affairs)
Commission; Mrs. Ashley Case, 3rd)
Cong. District, South Carolina Human)
Affairs Commission; Mr. Willie)
Thompson, 4th Cong. District, South)
Carolina Human Affairs Commission;)
Mr. Harold Jean Brown, 7th Cong.)
District, South Carolina Human Affairs)
Commission; Mr. Kenneth Willingham,)
At-Large Member, South Carolina)
Human Affairs Commission; Mr. Joseph)
Fragale, At-Large Member, South)
Carolina Human Affairs Commission;)
Mrs. Alison Y. Evans, Psy.D., Chair,)
South Carolina Dept. of Mental Health)
Commission; Mrs. Beverly F. Cardwell,)
Member, South Carolina Dept. of Mental)
Health Commission; Mrs. Jane B. Jones,)
Member, South Carolina Dept. of Mental)
Health Commission; Mrs. Joan Moore,)
Member, South Carolina Dept. of Mental)
Health Commission; Mr. Everard)
Rutledge, PH.D., Member, South)
Carolina Dept. of Mental Health)
Commission; Mr. James B. Terry,)
Member, South Carolina Dept. of Mental)
)

Health Commission; Mrs. Sharon L.)
Wilson, FACHE, CEAP Member, South)
Carolina Dept. of Mental Health)
Commission; Mr. John H. Magill,)
Director, South Carolina Department of)
Mental Health; Mr. Mark Binkley,)
Deputy Director, Admin. Svcs., South)
Carolina Department of Mental Health;)
Mrs. Rochelle Caton, Director Client)
Advocacy, South Carolina Department)
of Mental Health; Mr. Richard B.)
Guess, MEd., Executive Director,)
Santee-Wateree Community Mental)
Health Center; Mrs. Marian Dehlinger,)
MD, Medical Director, Santee-Wateree)
Community Mental Health Center; Mr.)
Lynn Melton, Elder Service Program)
Dir., Santee-Wateree Community Mental)
Health Center; Mrs. Lanalle Darden,)
CAF Director, Santee-Wateree)
Community Mental Health Center; Mr.)
Jeemy Grate-Pearson, M.Ed., Santee-)
Wateree Community Mental Health)
Center; Jane Doe-1, T. Miller, Santee-)
Wateree Community Mental Health)
Center; Mr. Michael J. Schwartz,)
President & CEO, Tuomey Healthcare)
System; Mr. James Balvich, MD,)
Tuomey Healthcare System; Mr.)
Michael Hanna, PA-C, Tuomey)
Healthcare System; Mrs. Billie)
Vanburen, RN, Tuomey Healthcare)
System; Brenda Holmes, RN, Tuomey)
Healthcare System; Cheryl Madarang,)
RN, Tuomey Healthcare System;)
Monica A. Fortin, Interface ED, Tuomey)
Healthcare System; Robin Beaufort,)
Tuomey Healthcare System; Jane Doe 1,)
PAMAF Admissions Clerk, Tuomey)
Healthcare System; Jane Doe 2, Security)
Guard, Tuomey Healthcare System; Mr.)
John Edwards, Former Chair, South)
)

Carolina Dept. of Transportation)
Commission; Mr. Jim Rozier, Chairman)
1st Cong. District, South Carolina Dept.)
of Transportation Commission; Mr.)
Harrison Rearden, Former Member,)
South Carolina Dept. of Transportation)
Commission; Mr. Samuel Glover, 6th)
Cong. District, South Carolina Dept. of)
Transportation Commission; Mrs. Janet)
P. Oakley, SCDOT Secretary, South)
Carolina Dept. of Transportation)
Commission; Mr. Leroy Smith, Director)
SCDPS, South Carolina Department of)
Public Safety; Mr. Zackary Wise, Chief)
of Police BPS, South Carolina)
Department of Public Safety; and)
Corporal Griffin, BPS Officer, South)
Carolina Department of Public Safety,)
Defendants.)

)

Regina M. Hunter (“Plaintiff”), proceeding pro se, filed this action alleging violations of her constitutional rights by the above-captioned defendants. [ECF No. 1]. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), the undersigned is authorized to review such complaints for relief and submit findings and recommendations to the district judge. For the reasons that follow, the undersigned recommends that the district judge dismiss the complaint without prejudice and without issuance and service of process.

I. Factual and Procedural Background

Plaintiff filed this complaint alleging violations of her constitutional rights. [ECF No. 1]. Specifically, she alleges that her rights to observe her Islamic religious faith were violated when she was denied access to the Sumter County public courtrooms on January

8, 2013, February 5, 2013, and June 17, 2013, when she attempted to enter the courthouse dressed in a hijab. [ECF No. 1 at 20, 26–29]. Plaintiff also argues that she was illegally taken into custody and involuntarily committed on February 10, 2014, when her cousin made an application for involuntary commitment based on a false affidavit with the Santee-Wateree Community Mental Health Center. *Id.* at 32. Plaintiff claims that she was not informed of her rights or served with the commitment papers. *Id.* Plaintiff argues that she was subject to an involuntary medical evaluation and states that “no grounds to commit were found and [she] was released within 3 hours of being taken into custody.” *Id.* at 33. Finally, Plaintiff argues that her access to a public meeting was obstructed on June 18, 2013, when an officer with South Carolina Department of Public Safety, Bureau of Protective Services, prevented her access to the start of the meeting, detained her, and issued a verbal warning without probable cause. *Id.* at 33–34. Plaintiff seeks injunctive relief and monetary damages. *Id.* at 34–35.

Plaintiff failed to submit service documents for Defendants and to either pay the filing fee or submit a motion for leave to proceed in forma pauperis on the appropriate form. The undersigned issued an order on February 27, 2015, providing Plaintiff an opportunity to bring this case into proper form by March 23, 2015. [ECF No. 7]. As of the date of this report, Plaintiff has failed to respond to the February 27, 2015, order or provide the court with the documents necessary for this case to proceed.

II. Discussion

It is well established that a district court has authority to dismiss a case for failure to prosecute. “The authority of a court to dismiss sua sponte for lack of prosecution has

generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962). In addition to its inherent authority, this court may also *sua sponte* dismiss a case for lack of prosecution under Fed. R. Civ. P. 41(b). *Id.* at 630. Based on Plaintiff’s failure to respond to the court’s order dated February 27, 2015, the undersigned concludes that Plaintiff does not intend to pursue the above-captioned matter. Accordingly, the undersigned recommends that this case be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41.

III. Conclusion and Recommendation

For the foregoing reasons, the undersigned recommends that the court dismiss the complaint without prejudice and without issuance and service of process. If the district court accepts this recommendation, Plaintiff’s pending motion for leave to proceed in forma pauperis [ECF No. 2] will be rendered moot.¹

IT IS SO RECOMMENDED.



March 30, 2015
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.**

¹ Plaintiff submitted a motion requesting she be granted leave to proceed without paying the filing fee, but the motion did not contain a showing of her inability to pay the filing fee. [ECF No. 2].

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).